PEOPLE FOR
THE AMERICAN WAY
Your Voice Against Intolerance

STATE & LOCAL ANTI-GAY INITIATIVES & LEGISLATION REPORT

SEPTEMBER 1996

This is not a comprehensive report of all the anti-gay bills introduced or laws passed around the country, but rather a sample of the range of anti-gay activities taking place and a source of selected information and contacts. To learn more about anti-gay activity covered in this report or to inform us of other local or state anti-gay activity, please contact Sonya Schwartz at (202) 467-2338 or at sschwartz@pfaw.org. ***This report is also available via electronic mail.***

Anti-gay activity at the local, state and federal levels, including activity in legislative bodies, on statewide ballots and in the courts, continues around the country. Of particular note was congressional enactment of an anti-same sex marriage bill.

- September 10 brought a greatly anticipated but sadly disappointing moment for gay-rights supporters, as the "Defense of Marriage Act" (DOMA) passed in the U.S. Senate by a vote of 85 to 14, and the Employment Non-Discrimination Act (ENDA) failed by a vote of 49 to 50. DOMA, which had already passed the House of Representatives and has since been signed into law by the President, grants federal permission to states wishing to ignore same sex marriages performed in any other state. ENDA would have prohibited employment discrimination on the basis of sexual orientation, providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. Elizabeth Birch of Human Rights Campaign said, "we are saddened by [the] vote and believe that it underscores why we must stay focused and engaged this election year and elect a Congress that supports treating people equally and fairly."
- *Baehr v. Miike*, Hawaii's historic same sex marriage case, went to trial on September 10. In order for the state to prevail, and same sex marriage to be outlawed, Hawaii will have to show a "compelling state interest" for discrimination against same sex couples. If the state should fail to meet this burden of proof, Hawaii may see a final court ruling, recognizing same sex couples' right to marry, by 1997.
- In anticipation of the ruling on *Baehr v. Miike*, bills have been introduced in 36 states to prohibit same sex marriages, or the recognition of such marriages performed in other states. Seventeen of those bills have died, but 14 states have now passed such laws this year. **Alaska, Arizona, Delaware, Georgia, Idaho, Illinois, Kansas, Michigan, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota** and **Tennessee** have joined **Utah**, which enacted its law last year. Bills are pending in **California, New Jersey, New York and Pennsylvania**. The governors of **Alabama** and **Mississippi** have signed executive orders, and ballot initiative petitions are circulating in **Maine** and **Oregon**.
- The Santa Clara County, California Board of Supervisors approved a domestic partnership registry, but opponents have begun collecting signatures to overturn the vote through a referendum.
- Philadelphia's Mayor Rendell signed an order on June 7 that would grant benefits to same sex partners of covered city employees, but the City Council President has attempted to challenge it.

2000 M Street NW
Suite 400
Washington DC 20036

202 467 4999
202 293 2672 / Fax

pfaw@pfaw.org / E-mail
http://www.pfaw.org

- Colorado's first domestic partner registry took effect July 1, in Boulder. The registry will be open to unmarried men and women, including gays and lesbians, who seek recognition of their commitment.
- The Senate version of the 1997 defense authorization bill, which passed on July 10, by a vote of 68 to 31 was free of anti-gay amendments, and even included an amendment, introduced by Senator John McCain (R-Arizona), that would instruct the services to treat all service members with chronic illnesses uniformly. The House had previously passed a 1997 defense authorization bill, introduced by Representative Robert Dornan (R-California), that would ban HIV+ servicemembers as well as gay men and lesbians, and replace the current "don't ask, don't tell" policy with an outright ban on military services by lesbian and gay men.

Hostile Climate 1995, People For the American Way's 124-page annual report documenting 180 anti-gay incidents nationwide, is available from our Washington office for $10.95/copy for non-members and $9.95/copy for members (sorry, pre-paid mail orders only). The 1996 edition is in preparation. *If you have anti-gay incidents to report, contact Sonya Schwartz at (202) 467-2338 or at sschwartz@pfaw.org*

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ALABAMA

On August 29, Governor Fob James, Jr. issued an executive order banning same sex marriages. The order states, "I...do hereby declare that same sex marriage is against the public policy and laws of the State of Alabama; that it is and shall remain the public policy of this State that only a marriage between a man and a woman... is valid in this state..." The order also nullified same sex marriages performed in another states.

CALIFORNIA

On September 3, 4, and 5, hearings were held around the state of California regarding the adoption of a policy that would prohibit adoptions by unmarried couples. The Department of Social Services currently recommends against such adoptions. However, such a policy was never formally adopted, and judges throughout California granted thousands of adoptions by lesbian and gay couples, including mostly second-parent or "limited consent" adoptions. A spokesman for the Wilson administration commented that adoptions by gays, lesbians and single adults are "not in the best interests of society." Critics claimed that he was primarily interested in blocking adoption by gay and lesbian couples. An agency spokesman argued that they wanted to preserve "the sanctity of marriage." The rule against adoptions by unmarried couples would go into effect in 1997 if approved by the state Health and Welfare Agency.

Three anti-gay bills died in the California legislature. Assembly Bill 1982, introduced by Assemblyman Pete Knight (R-Palmdale), would have prevented California from recognizing same sex marriages performed in other states. It passed the Republican-controlled House in January, but was dramatically rewritten in the Democrat-controlled State Senate Committee on Judiciary. Senator Nicholas Petris (D-Oakland) proposed creating a statewide system of domestic partner registration in the bill, and his addition was ultimately approved 5 to 0. The author of the original bill, Assemblyman Knight, commented, "With these amendments, you've gutted the bill." On July 10, angered by this change, Senate Republicans gutted and amended AB 1982, and created another anti same sex marriage bill, SB 2075. Assembly Bill 1982 ultimately died in mid-August. Senate Bill 2075 would have amended the Family Code to read that a marriage is a "personal relation arising out of a civil contract between a man and a woman and would be valid by the laws of the jurisdiction in which the marriage was contracted is valid in this state." However, it died on August 31 in the Senate Rules Committee. Meanwhile, Assemblyman Knight introduced another bill, AB 3227, which would have gone farther, declaring that same sex marriage violates the state's public policy and claiming that California has a compelling interest in restricting marriage to heterosexuals. Assembly Bill 3227 was withdrawn without action.

Long Beach

On June 7, The Long Beach City Council heard testimony on domestic partnership. One of the "highlights" of the hearing was the statement of Jerry Shultz, City Councilman and a Los Angeles sheriff's deputy, who explained that the human sex drive is a very powerful human instinct that "may become inappropriately affixed to underwear, corpses, animals, children, footstools and members of the same sex." The day after the hearing, Cheryl Abbate, president of the Long Beach Lambda Democratic Club, moved to force Shultz to be censored and fired.

City Councilman Alan Lowenthal, fearing domestic partnership's possible failure, agreed to send the issue to a newly-formed Human Relations Commission. On July 11, this commission, a group of 13 citizens, will begin to consider whether unmarried couples should be able to register with the city. There is no set date by which the commission must complete its deliberation.

Santa Clara

Opponents of a domestic partner registry recently approved by Santa Clara County Supervisors succeeded in collecting signatures to overturn the vote through referendum. They handed in signatures of 59,462 registered voters on September 18, and have succeeded in stalling the registry's inception. The county registrar will have until October 31 to check petitions and ensure that they contain the required 44,647 valid signatures to call a referendum. Supervisors could then repeal the ordinance or place the issue on the ballot in a special election in spring 1997 or in the 1998 primary. The opponents were funded by the Santa Clara County Taxpayers' Association, which is concerned that the registry will be the first step toward legal and financial benefits for domestic partners. A pastor from the South Hills Community Church of San Jose, an opponent of the registry, commented, "We really are determined not to do this with any hostility to the gay and lesbian community...We are just trying to protect marriage."

The registry would allow gay and unmarried heterosexual couples to declare their relationship; however, the registry awards none of the legal rights or obligations of marriage. Couples who live together could declare their partnership by paying a one-time fee of $26 to the county and agreeing to be jointly responsible for shared living expenses.

∇ Legislative contact: L.A. Gay and Lesbian Center, 1625 N. Schrader Blvd., Los Angeles, CA 90028; (213) 860-7358; Attn: Sky Johnson, Director of Public Policy & Communications.

COLORADO

Boulder

Colorado's first domestic partner registry, open to unmarried men and women, including gay men and lesbians, who would like recognition of their mutual commitment, took effect July 1. Boulder's City Council unanimously approved the registry on May 7. Registrants pay a fee of $35, and bring a photo ID to the city clerk's office. Partners must also sign an affidavit swearing that they are age 18 or older, share a home, are unmarried, not related by kinship and are "in a relationship of mutual support, caring and commitment and intend to remain in such a relationship."

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (202) 995-8585; Attn: Suzanne Goldberg.

FLORIDA

Broward County

Opponents of an ordinance that provided anti-discrimination protections based on sexual orientation did not succeed in their effort to repeal the measure. "Take Back Broward" did not file sufficient signatures by either the August 5 deadline to qualify for the November 1996 ballot, or the September 13 deadline (180 days after March 11) to qualify for a special election in December or January.

In June of 1995, the Broward County Commission approved, by a 6-1 vote, an amendment to the county's human rights ordinance providing anti-discrimination protections in employment, housing and public accommodations based on sexual orientation. In response, Religious Right leader Ralf Stores of the American Family Association (AFA) launched a petition drive to force a referendum to repeal the measure. The political action committee called "Take Back Broward" is reminiscent of AFA leader David Caton's "Take Back Tampa" campaign in 1992. Take Back Broward needed to collect 46,310 signatures to put the measure to a referendum in November 1996; there were not enough signatures gathered to qualify it for the March 1996 ballot. A public education and "Decline to Sign" campaign, an attempt to counteract the signature-gathering activities of Take Back Broward, was launched in September by Americans For Equality, which supports the gay-rights amendment.

On February 28, the Broward County Commission voted in a new law, which took effect March 11, that requires that signatures be collected within 180 days in order to place a measure on the local

ballot. Previously, signatures had to be gathered by 90 days before the ballot, but those gathered do not expire, so collection could theoretically go on indefinitely. Under the new ordinance, Take Back Broward could apply the signatures collected before March 11 toward the 46,310 required, but those collected after March 11 were only valid for 180 days.

∇ Local contact: Americans For Equality PAC, PO Box 4984, Fort Lauderdale, FL 33338; (407) 687-2966; Attn:ichard Georgiou

GEORGIA

Atlanta

Only days after Mayor Bill Campbell signed a measure to grant health and other benefits to domestic partners of city employees, opponents filed a lawsuit challenging it as financially irresponsible and inconsistent with the state's ban on same sex marriages. The ordinance was the second attempt in the last three years to extend some benefits to the partners of city workers. A similar 1993 measure was never implemented and was overturned by the Georgia Supreme Court last year on the grounds that domestic partners can only be declared "a family" by the state legislature. The language of the new version is intended to preclude such challenges. A local lawyer argued, "This ordinance is clearly oriented toward homosexual unions, and the State of Georgia has recently gone on record that they are not interested in encouraging homosexual marriage." The ordinance would protect both same sex and heterosexual partners. A spokesman for the mayor said, "If there was going to be an onslaught of new people seeking benefits, it would have happened by now. We think the fears of the fiscal impact are exaggerated, but more important, we think it is the right thing to do."

HAWAII

The trial in *Baehr v Miike*, a case in which gay and lesbian couples are seeking the right to legally marry, began on September 10. In order for the state to prevail, the state government will have to show a "compelling state interest" for not granting marriage licenses to same sex couples. If the state fails to meet this burden, Hawaii is expected to see a final court ruling, upholding same sex couples' right to marry, by 1997. The case arose from a 1993 Hawaii Supreme Court ruling that said that the state had to show a compelling interest in denying marriage licenses to gay couples, which the court called unconstitutional discrimination on the basis of sex. The case was sent back to a trial court to give the state a chance to make its case. Whatever the outcome, the case is expected to return to the state Supreme Court for a final ruling. To support the state's case, the legislature passed a law in 1994 defining marriage as solely between a man and a woman; it also appointed a commission to study the issue of same sex marriage. The commission issued a report last December, recommending by a 5-2 vote that same sex marriage be legalized. Thus, experts predict that the state will not be able to argue a compelling interest in denying such marriages.

Although a constitutional amendment referendum on same sex marriages will not be on the November 1996 ballot, there will be a November 1996 vote on whether to hold a constitutional convention. Marriage could be an issue considered at the convention. On April 26, the Hawaii Senate defeated a bill that would have put on the ballot a constitutional amendment banning same sex marriages.

The bill, backed by Religious Right activists, had passed the House and was stalled in the Senate Judiciary Committee. Conservative senators forced a floor vote; the bill was defeated 15-10. The Senate, like the House, is opposed to same sex marriage, but the Senate is in favor of creating domestic partnerships.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn: Evan Wolfson.

IDAHO

On July 1, The Idaho Citizens' Alliance (ICA) withdrew its campaign for a statewide anti-gay ballot initiative, called "The Family and Child Protection Act," which would have been on the November 1996 ballot. Kelly Walton of the ICA claimed to have given up the initiative effort in response to Attorney General Alan Lance's opinion stating that the ICA's initiative was unconstitutional in light of *Romer v. Evans*. The Decline to Sign Campaign argued that the ICA withdrew only because the initiative lacked public support. The initiative was similar to the ICA's Proposition 1, which was narrowly defeated at the polls in November 1994. If it had passed, it would have prohibited state or local laws protecting gays and lesbians from discrimination. While Proposition 1 would have denied minors access to public library material concerning homosexuality, "The Family and Child Protection Act" would have required minors to have parental consent or supervision to gain access. The ICA also abandoned its efforts to collect signatures for anti-abortion, pro-voucher, and anti-teachers' union initiatives in early June.

On March 13, the Idaho Senate voted 28-4 to pass an anti-gay marriage bill. It had been approved by the House on February 20, by a 59-6 vote. The bill amends an existing statute that says Idaho will recognize legal contracts, including marriages, that are legal in other states. Out-of-state marriages that violate Idaho's laws will not be recognized as valid in Idaho.

∇ State contact: Decline to Sign, PO Box 797, Boise, ID 83701; (208)343-7402, Voice Mailbox #1; Attn: Diane Sands.

ILLINOIS

Normal/Bloomington

On May 6, the Normal City Council voted 5-2 against adding sexual orientation as a protected category to its nondiscrimination ordinance. Opponents of the measure argued that there was not sufficient cause to amend the ordinance, since there have been few comp'aints of discrimination against gays. Supporters maintain that gays do not report discrimination against them precisely because there is no law protecting them.

In January, the Bloomington City Council voted down a similar ordinance after it was vigorously opposed by the Illinois Christian Coalition and local conservative churches. Mayor Smart was against the proposal, saying, "Fundamentalist Christians ought not to be required to hire a gay janitor or a lesbian secretary if they don't want to," and the recommendation of City Corporation Counsel J. Todd

Greenburg was against passing the ordinance because it might force people to go against their religious beliefs. Rick Garcia of the Illinois Federation for Human Rights argued that religious organizations are exempt from current human rights ordinances regarding hiring practices.

∇ Local contact: Advocacy Council for Human Rights, PO Box 5048, Bloomington, IL 61702-5048; (309) 830-2521; Attn: David Bentlin.

INDIANA

The Indiana Family Institute and the American Family Association of Indiana are lobbying state legislators to prevent the state from recognizing same sex marriages performed in other states. State Senator Johnny Nugent (R-Lawrenceburg) said that he is considering sponsoring a bill in the Indiana Senate during the next Indiana General Assembly. State Representative Woody Burton (R-Greenwood) might sponsor a similar bill in the Indiana House of Representatives. Nugent said the bill might seek to add same sex marriage to a list of marriages Indiana considers prohibited such as bigamous and common-law marriages.

IOWA

The Des Moines School Board voted unanimously to adopt a resolution that reaffirmed its non-discrimination policy and defined sexual orientation as including "homosexuality, bisexuality, lesbianism, and heterosexuality." The board had struggled with the issue for weeks and listened to hours of public comment: Nine of the thirteen speakers who spoke on July 9, the night of the decision, wanted sexual orientation eliminated from the anti-discrimination hiring policy, or simply spent their five minutes condemning homosexuals. One woman who objected to the resolution commented, "There is a moral difference between giving special protection to people of good character and giving special protection to men who commit sodomy with other men." A minister from Des Moines who represented the Interfaith Alliance of Iowa commented, "It reflects the rule of law which is so precious to all of us as Americans...In my opinion it doesn't endorse anything or anybody. But rather it holds up anti-discrimination as a virtue in this democracy."

∇ Legal contact: Lambda Legal Defense and Education Fund, 17 E. Monroe Street, Ste. 212, Chicago, IL 60603; (312) 759-8110; Attn: Patricia Logue.

MASSACHUSETTS

On July 12, Governor William Weld (R) signed legislation that added sexual orientation to the state's hate crimes law along with an emergency declaration which makes the law effective immediately. Weld commented, "This law will bring greater clarity and fairness to our courts, particularly in cases of violence directed at gays and lesbians." The law updated the 1983 Massachusetts Hate Crimes Penalties Act by adding crimes committed on the basis of sexual orientation to the existing list that includes crimes committed on the basis of race, color, religion or national origin.

MICHIGAN

Lansing

The Majority Opposing Special Treatment (MOST) succeeded in collecting the 4,500 signatures necessary to place a recall of an anti-discrimination ordinance on the November 1996 ballot. The ordinance that risks recall bans discrimination in housing, employment, and public accommodations on the basis of sexual orientation, height, weight, and family status, adding those categories to the ones already protected in the city, which include age, race, color, gender, national origin, and religion. Public debate about the ordinance had raged in Lansing for 18 months before the city council's decision.

After the Lansing City Council passed the ordinance in March, MOST collected approximately 7,000 signatures in order to put the measure to a referendum. A gay-rights group, Lansing Equal Rights Task Force, assisted by Lambda Legal Defense and Education Fund, filed a lawsuit in Ingham County Circuit Court charging that the petitions violated the city charter because they did not state the ordinance in full and were accompanied by misinformation about it, and that the Lansing City Clerk acted illegally when she certified the repeal measure for the referendum. On May 20th, the judge ruled in favor of the plaintiffs, declaring the petitions invalid and giving MOST 30 days to collect new signatures. Approximately 4,500 signatures are required to put the ordinance to a referendum. MOST immediately appealed this decision, believing its initial petition valid. Lansing Equal Rights Task Force, assisted by Lambda Legal Defense and Education Fund, then filed a counter appeal on the grounds that Michigan law allows for only 10 days (and not 30) for citizens to gather new signatures once a petition is declared invalid. The Lansing Equal Rights Task Force also raised objections to the most recent signatures.

∇ Legal contact: Lambda Legal Defense and Education Fund, 17 E. Monroe Street, Ste. 212, Chicago, IL 60603; (312) 759-8110; Attn: Patricia Logue.

MISSOURI

On July 3, Missouri Governor Mel Carnahan (D) signed an anti-same sex marriage bill. On the last day of the Missouri legislative session, May 17, SB 768 -- a bill originally concerning the Missouri Family Trust, nonprofit corporations and charitable gift annuities -- was amended in the House of Representatives to contain anti-same sex marriage language. The bill passed in the House by a final vote of 139 to 14, and passed in the Senate by a vote of 29 to 1. The bill states, "It is the public policy of Missouri to recognize marriages only between a man and a woman, with any other purported marriage being deemed invalid." The ACLU is considering challenging SB 768 on the grounds of a Missouri law which prohibits the addition of amendments that are unrelated to the title or subject of the original bill.

∇ Legislative Contact: Privacy Rights Education Project, P.O. Box 1406, St. Louis, MO 63130; (314) 862-4900; Attn. Jeff Wunrow.

MISSISSIPPI

Mississippi Governor Kirk Fordice (R) issued an executive order on August 22 banning same sex marriages. At a news conference, in which he appeared alongside members of the Mississippi Family Council and the American Family Association, the governor called the idea of gay marriage "an absurdity," and claimed that his action would defend the sanctity of traditional marriage. He said, "The state has an interest in preserving and protecting the special status of marriage as the foundation of a healthy society...Traditional families are the foundation for a better and more productive life." A gay rights activist with the community service group, Camp Sister Spirit in Ovett, Mississippi, who has had the same partner for 13 years said, "There is a myth out there that gay and lesbian people are very promiscuous. If people truly believed that and wanted to change it, they shouldn't be denying us the right to legalize our unions and stabilize our commitments."

NEW JERSEY

At a State House news conference on Wednesday, June 19, representatives from the American Family Association and the League of American Families, appeared with State Assemblywoman, Marion Crecco, who introduced a bill that would add: "Persons of the same sex shall not marry" to existing state marriage law. The bill would also invalidate same sex marriages performed in other states, and provides that same sex marriage is in violation of New Jersey public policy. The ACLU and gay activists say that the bill is unnecessary because New Jersey law is already clear in not recognizing same sex union

∇ Legislative contact: New Jersey Gay Lesbian Coalition, P.O. Box 11355, New Brunswick, NJ 08906-1335; (908) 828-6772; Attn. Gina Reiss.

NEW YORK

On July 1, the U.S. Court of Appeals for the Second Circuit remanded a challenge to the Pentagon's two-year-old "Don't Ask, Don't Tell" law, ruling that a lower court must decide whether the constitution grants government permission to treat gay men and lesbians in the military differently from non-gay servicemembers. The three-judge panel ruled unanimously that a ban on servicemembers who identify themselves as gay would be constitutional only if government has the legal right to expose gay men and lesbians to different rules than those proscribed for non-gay servicemembers that concern speech, relationships, and intimate conduct. The American Civil Liberties Union and Lambda Legal Defense and Education Fund brought the case to court. Lambda Legal Director said, "The Second Circuit agreed with us that, if the military's harsher rules for gay people's behavior cannot be justified, than the entire ban must fall."

State Senator Maltese (R) introduced SB 7345, which would amend domestic relations law to state that "a marriage is absolutely void if contracted by two persons of the same sex, regardless of whether such a marriage is recognized or solemnized in another jurisdiction." The bill has been referred to the Judiciary Committee, but is unlikely to pass this session because the later-than-ever budget still needs to be worked out. Mayor Rudolph Giuliani said, "I believe marriage should stay as it is" at a City Hall ceremony to honor gay and lesbian city employees on June 17. But, Giuliani claims that he supports the city policy permitting unmarried couples to register their unions with the city clerk, which

would qualify domestic partners for survivorship rights and, in the case of city employees, health coverage.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn: Suzanne Goldberg.

NORTH CAROLINA

On June 19, the North Carolina House of Representatives passed SB 1302. The bill, introduced by Senator James Forrester (R), states that "marriages contracted outside of North Carolina between persons of the same gender are not valid in Iredell County," but was amended to add eleven other counties. Passed without hearing in the Senate or House, the bill becomes a law automatically because the governor does not have legal authority to veto bills in North Carolina.

∇ Citizens Against Discrimination. P.O. Box 519, Edneyville, NC 28727; (704) 685-9673; Attn: Charles Merrill.

OHIO

Cincinnati

On June 7, the Supreme Court ruled that the U.S. Court of Appeals for the 6th Circuit must reconsider its ruling in *Equality Foundation v. Cincinnati* to uphold Issue 3, a Cincinnati anti-gay measure. Last month's *Romer v. Evans* decision to strike down a similar Colorado measure was the basis for the Supreme Court's decision to return the case to the Court of Appeals. The Cincinnati measure, approved by 62 percent of the voters in a 1993 referendum, repealed any existing laws that prohibited discrimination based on sexual orientation, and amended the city charter to bar new legislation that would give "protected status" to "homosexuals, lesbians or bisexuals." The majority did not discuss its reasoning for the remand. In dissent were the same justices who were opposed to the Colorado decision: Chief Justice William Rehnquist, and Justices Antonin Scalia and Clarence Thomas. Although the Court sent the case back to the 6th Circuit and did not reverse the 6th Circuit ruling as the gay-rights advocates and attorneys had asked, Scott Greenwood of the local ACLU commented, "What happened today kills Issue 3. It has yet to be buried, but it is certainly dead."

In May of 1995, the U.S. Court of Appeals had overturned a district court ruling to reinstate Issue 3 which also amended the city charter to prevent the future passage of any measures that would grant "minority or protected status" to gay men and lesbians. The ruling marked the first time a federal court had permitted the overturning of an existing anti-discrimination measure. The Cincinnati City Council and the anti-gay group, Equal Rights Not Special Rights (ERNSR) defended Issue 3 with the assistance of former Attorney General Edwin Meese and former Supreme Court nominee Robert Bork; Bork serves as co-counsel for ERNSR. Civil rights advocates led by Lambda Legal Defense and Education Fund argued against Issue 3.

∇ Legal contact: Lambda Legal Defense and Education Fund, 666 Broadway, 12th Floor, New York, NY 10012; (212) 995-8585; Attn: Suzanne Goldberg.

OREGON

On August 8, a Multnomah County Circuit Court judge ordered Oregon to extend medical coverage to the partners of gay and lesbian state employees. It is the first case in which a state was ordered by a court to extend medical, life and dental insurance benefits to partners of gay and lesbian workers. The judge ruled that Oregon Health Sciences University discriminated by denying benefits to the domestic partners of three gay employees. Two professors of nursing and a pharmacist at the university all sought to obtain benefits for their partners, previously denied by the university. The judge wrote, "It is beyond debate that invidious and virulent discrimination has been, and is, directed toward and suffered by the lesbian and gay men communities in this state." Lon Mabon, director of the Oregon Citizens Alliance (OCA), commented, "What we're really doing is systematically destroying the whole notion of family." The state attorney general's office has decided to appeal the case.

In light of the *Romer v. Evans* decision, OCA gave up its most recent effort to pass a statewide anti-gay ballot initiative on June 6. But, the battle is not over. OCA Chair (and now U.S. Senate candidate) Lon Mabon has already begun drafting language for a 1998 ballot initiative that would legally define families to exclude gays and lesbians. Mabon hopes that this language will avoid the constitutional problem that defeated Amendment 2 and may have defeated the Oregon initiative, because it would not actually mention gays or lesbians. The group would have had to collect 97,681 signatures by July 1996 in order to qualify the measure for the November 1996 ballot. OCA-sponsored initiatives were narrowly rejected by voters in 1992 and 1994. The measure would have amended the state constitution to prohibit the granting of minority status on the basis of "sexual behavior or desires," prohibit spending of public funds "in a manner that has [the] purpose or effect of expressing approval of homosexuality," and restrict minors' access to public library materials "which promote or express approval of homosexuality." The measure also asserts that moral opposition to "certain sexual behaviors such as homosexuality" constitutes a "Right of Conscience" and therefore is not to be considered "discrimination."

In 1995, the Oregon Court of Appeals upheld a state law passed in 1993 that prohibits localities from enacting city and county ordinances dealing with sexual orientation. The decision reaffirmed a Marion County judge's ruling last year. Through the OCA's efforts, 26 localities throughout the state have passed anti-gay measures.

∇ State contact: Basic Rights Oregon, PO Box 40625, Portland, OR 97240; (503) 222-6151; Attn: Julie Davis, Executive Director.

PENNSYLVANIA

On June 28, an anti same sex marriage bill passed the Pennsylvania House of Representatives on a vote of 177 to 16. Previously, Pennsylvania marriage laws were gender-neutral. Representative Ron "Huck" Gamble (D - Allegheny), a conservative who is retiring at the end of the term, said he had never expected to vote on a bill defining marriage as between a man and a woman. He commented, "I just thank God I'm going back to Oakdale, where men are men and women are women, and believe me boys, there's one hell of a difference." Representative Lita I Cohen of Montgomery County, the only

Republican to vote against the bill, believed the bill's message was one of "bigotry and hatred." The bill currently sits in the Senate Judiciary Committee.

Philadelphia

Mayor Rendell signed an order on June 7 that would grant health and funeral benefits to same sex partners of covered city employees, provided that they furnish substantial evidence of a committed relationship, such as common ownership of a house or car, or a joint bank account. This would affect about 500 non-union, non-civil service employees of the executive branch who will join roughly 3,000 city workers in getting "domestic partnership" benefits.

On June 13, Philadelphia City Council President, John Street, introduced legislation that would place a non-binding referendum on the November ballot that would question whether the Mayor should rescind the Executive Order. Street referred the bill to the Rules Committee (which he chairs) and scheduled a hearing. He will also schedule a special session of the City Council so that the bill will be voted on before summer recess.

The primary supporter of this bill is Catholic Cardinal Bevilacqua, who distributed several hundred thousand postcards, printed by the Christian Coalition, in all Catholic parishes in Philadelphia, and asked that a letter be read to all Catholic congregations. He also attempted to have postcards signed by students in Catholic schools in Philadelphia and its suburbs.

However, not all the local clergy agreed with Cardinal Bevilacqua. Over 55 Christian and Jewish clergy members praised Mayor Rendell's order, and the 14 members of the Interfaith Working Group even organized a news conference on the topic to show their support of benefits for partners of gay men and lesbians.

TENNESSEE

On June 10, the Tennessee Supreme Court let stand a decision by the state Court of Appeals that sexual acts between consenting adults of the same gender are protected under privacy rights guaranteed by the state Constitution. In January, a three-judge panel of the appeals court affirmed Davidson County Circuit Judge Walter Kurtz's February 1995 ruling that made the state's Homosexual Practices Act invalid. A spokeswoman for Tennessee Attorney General Charles W. Burson, who defended the law, said the high court's decision will not be appealed. Gay rights Attorney Abby Rubenfeld commented, "There are many thousands of lesbians and gay men in this state...What this decision does is lift part of the yoke of oppression on us. It takes off the label that we are criminals in the eyes of the law." Janice Hohnson of the Christian Coalition criticized the law and said that Burson did not defend the law vigorously enough. Hohnson stated, "This is a classic case of liberal judges and liberal state supreme courts overruling the voices of the people and legislating from the bench." Among the plaintiffs were a young woman who feared she could be evicted from her apartment because her lease would terminate if she were to be convicted of a crime and a pilot who feared losing his license to fly because of a criminal conviction.

UTAH

None of the 130 Utah lawmakers, Salt Lake City School Board members or principles invited to a private screening of "It's Elementary: Talking About Gay Issues in School" attended. However, three Republican lawmakers who anticipated scheduling conflicts made arrangements to view the film earlier in the day. The film by Academy-award-wining filmmaker Debra Chasnoff explores how experienced teachers address lesbian and gay issues with schoolchildren ages 5 through 13. A leader of the Utah Human Rights Coalition, one of the organizations that brought the documentary to Utah, commented, "I'm not surprised, but I thought at least a couple would come." She also said that the filmmakers chose cities, "where the gay issues in public schools were controversial and there was a lot of misunderstanding."

∇ State contact: Utah Human Rights Coalition, PO Box 52142, Salt Lake City, UT, 84152 1242; (801) 484-5291; Attn. Charlene Orchard, Co-Chair; email: cdorchard@earthlink.net

WISCONSIN

In *Nabozny v. Podlesny,* the U.S.Court of Appeals for the Seventh Circuit ruled that a Wisconsin school district can be sued for failure to protect a student from anti-gay assaults. The decision reversed a lower court's ruling to throw out the case for lack of evidence. A gay man sued his former Wisconsin school because it had failed to protect him from constant, at times brutal, anti-gay assaults and harassment while he was a student. The case, brought by Lambda Legal Defense and Education Fund, was the first to challenge anti-gay violence in the schools. The managing attorney for Lambda's Midwest Regional Office who argued the appeal commented, "This ruling in favor of [Nabozny] is spectacular news for young lesbians and gay men facing violence and harassment in their schools. It means the federal constitution requires schools to offer gay students the same protections and safety given to other students. This may seem obvious, but school officials regularly deny young lesbians and gay men refuge from violence." The plaintiff said, "I hope the thousands of other gay teens forced to live through this kind of terror will be encouraged by my victory and will not give up. I feel like someone has finally recognized that it was the violence that was the problem, not me or my sexual orientation."

∇ Legal contact: Lambda Legal Defense and Education Fund, 17 E. Monroe Street, Ste. 212, Chicago, IL, 60603; (312) 759-8110; Attn. Patricia Logue.

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The information in this report was obtained from national and grassroots organizations, activists, and media, including the following:

- ▽ *Citizens Against Discrimination. P.O. Box 519, Edneyville, NC 28727; (704) 685-9673; charles6@aol.com.*
- ▽ *Gay and Lesbian Alliance Against Defamation (GLAAD), 150 W. 26th Street, Suite 503, New York, NY, 10001; (212) 807-1700; glaad@glaad.org*
- ▽ *Gay and Lesbian Alliance Against Defamation/San Francisco Bay Area (GLAAD/SFBA), 1360 Mission Street, Suite 200, San Francisco, CA, 94103; (415) 861-4588; glaadsfba@aol.com*
- ▽ *Gay, Lesbian, and Straight Teachers Network (GLSTN), 122 W. 26th Street, Suite 1100, New York, NY, 10001; (212) 727-0135; GLSTN@glstn.org*
- ▽ *Human Rights Campaign (HRC), 1101 14th Street, NW, #200, Washington, DC 20005; (202) 628-4160; hrc@hrcusa.org*
- ▽ *L.A. Gay and Lesbian Center, 1625 N. Schrader Blvd., Los Angeles, CA, 90028; (213) 860-7358; gaylesbla@aol.com*
- ▽ *Lambda Legal Defense and Education Fund, Inc., 666 Broadway, New York, NY 10012-2317;(212) 995-8585*
- ▽ *National Advocacy Coalition on Youth and Sexual Orientation (NACYSO), 1711 Connecticut Avenue, NW, Suite 206, Washington, DC, 20009; (202) 319-7596; NACYSO@aol.com*
- ▽ *National Gay and Lesbian Task Force (NGLTF), 2320 17th Street, NW, Washington, DC 20009-2702; (202) 332-6483; ngltf@ngltf.org*
- ▽ *New Jersey Gay Lesbian Coalition, P.O. Box 11355, New Brunswick, NJ 08906-1335; (908) 828-6772; nglgc@plts.org.*
- ▽ *Parents, Families and Friends of Lesbians and Gays (P-FLAG), 1012 14th Street, NW, # 700, Washington, DC 20005; (202) 638-4200; PFLAGNTL@aol.com*
- ▽ *PERSON Project (Public Education Regarding Sexual Orientation Nationally)/Jessea Greenman, 586 62nd Street, Oakland, CA 94609-1245; (510) 601-8883; jessea@uclink4.berkeley.edu*
- ▽ *Privacy Rights Education Project, P.O. Box 1406, St. Loius, MO 63130; (314) 862-4900; prepstl@aol.com*